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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,721	03/19/2004	John A. McClure	4009	7501
63151	7590	03/22/2007		
MARK BROWN 4700 BELLEVIEW SUITE 210 KANSAS CITY, MO 64112			EXAMINER BROADHEAD, BRIAN J	
			ART UNIT 3661	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/22/2007	PAPER •	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/804,721

Applicant(s)

MCCLURE ET AL.

Examiner

Brian J. Broadhead

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Priority*

1. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows: Applicant has not met the conditions of 37 CFR 1.78 which require if the later-filed application is an application filed under 35 U.S.C. 111(a), this reference to the previous application must also be submitted within the later of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed application (See MPEP 706.2(b)). If the claim is made after this time 37 CFR 1.78 requires a petition to be filed. In view of this, the previous applied prior art rejections are maintained.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 13, 15, and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 13 recites adjusting a parallel guidance line from a fixed aim point behind the vehicle to a point including a small

Art Unit: 3661

increment offset from a current position but there is no discussion of what this means in the specification. Claim 16 recited single button adjustments for fine-tuning but there is no discussion of this in the specification. Claim 15 depends on claim 13 and doesn't comply for the same reason as claim 13.

4. Claims 13, 15, and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 13 recites adjusting a parallel guidance line from a fixed aim point behind the vehicle to a point including a small increment offset from a current position but there is no discussion of what this means in the specification. Claim 16 recited single button adjustments for fine-tuning but there is no discussion of how this works in the specification. Claim 15 depends on claim 13 and doesn't comply for the same reason as claim 13.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 through 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClure et al., 6539303, in view of Dickson et al., 6445983.

Art Unit: 3661

7. McClure et al. disclose receiving global positioning system (GPS) data including position and velocity information corresponding to at least one of a position, velocity, and course of said vehicle on lines 15-20, on column 4; computing an actual track and a cross track error from said desired swath based on said compensated heading and said position, wherein said position is compared with a selected desired position of said plurality of desired positions and said compensated heading is compared with a selected desired heading of said plurality of desired headings, calculating a desired radius of curvature to arrive at said desired track with a desired heading, and generating a steering command based on said desired radius of curvature to a steering mechanism, said steering mechanism configured to direct said vehicle on column 6; receiving differential corrections for said GPS data and correcting said GPS data based on said differential corrections on line 47, on column 4; said GPS data includes at least one of carrier phase RTK corrections, a satellite based differential corrections, and ground based differential corrections on lines 50-54, on column 4; utilizing a DGPS system with dual antennae optimized to generate additional accuracy in said GPS data, further including heading data and generating said compensated heading utilizing said GPS data and said heading data and generating a differential corrector with a reference DGPS receiver and transmitting said differential corrector to the vehicle on lines 50-54, on column 4; said calculating includes generating radius of curvature data, based on best fit algorithms from said GPS data including a current position, a heading and a speed to a desired aim point and desired heading, said aim point can be at least one of: on a straight line with parallel guidance; an interpolated point from a point of closest

approach to a previously logged, stored or generated curved track; an edge of previously traveled swaths; a data file of track points based on best fit algorithms in figure 7; said generating a steering command includes generating a command to drive a hydraulic or electrically driven steering system of said vehicle based on a difference between said desired curvature to reach an aim point, a current speed of said vehicle and a rate of turn of said vehicle on lines 35-40, on column 6; and offsetting said desired line direction by proportionally adjusting a parallel guidance line from a fixed aim point behind the vehicle to a point including a small increment offset from a current position in figure 4 and 5; said determination includes a database lookup on lines 11-20, on column 6; and rotating an east and north velocity from the GPS data into along and cross track components is a fancy way of saying the velocity information from GPS is used to control guidance which McClure clearly discloses. McClure et al. do not disclose receiving a yaw rate signal corresponding to a yaw rate of said vehicle; computing a compensated heading for said vehicle based on an integration of said yaw rate signal, said compensated heading comprising a blend of said yaw rate signal with heading information based on said GPS data, wherein said compensated heading is further dynamically calibrated based on said GPS data; said dynamic calibration includes at least one of rate gyro bias error and scale factor error, during operation, and eliminates static initialization. generating a tilt angle for said vehicle based on at least one of a filtered accelerometer signal and roll signal which can be used to generate a cross track correction based on antenna rotation height to correct for slope induced error in said cross track error; offsetting said desired line to match differences in spacing

Art Unit: 3661

of existing tracks to compensate for spacing errors therein; compensating for features in fields with a step in a nominal spacing of parallel guidance lines by offsetting said desired line to align with a current position; real time determination of slope at a current position and application of a swath width adjustment to optimize real ground coverage to yield correct spacing between swaths and additional ground coverage; said blend includes combination of said yaw rate signal with said heading information, said yaw rate signal exhibiting high short term accuracy relative to said heading information, while said heading information exhibits high long term accuracy relative to said yaw rate signal; and said blend employs Kalman filtering techniques. Dickson et al. teach receiving a yaw rate signal corresponding to a yaw rate of said vehicle on lines 55-60, on column 2; computing a compensated heading for said vehicle based on an integration of said yaw rate signal, said compensated heading comprising a blend of said yaw rate signal with heading information based on said GPS data, wherein said compensated heading is further dynamically calibrated based on said GPS data on lines 15-42, on column 5; said dynamic calibration includes at least one of rate gyro bias error and scale factor error, during operation, and eliminates static initialization on lines 21-29, on column 6; generating a tilt angle for said vehicle based on at least one of a filtered accelerometer signal and roll signal which can be used to generate a cross track correction based on antenna rotation height to correct for slope induced error in said cross track error on line 44, on column 5 through line 19, on column 6; offsetting said desired line to match differences in spacing of existing tracks to compensate for spacing errors therein on lines 3-8, on column 3; compensating for features in fields with a step

Art Unit: 3661

in a nominal spacing of parallel guidance lines by offsetting said desired line to align with a current position on lines 12-20, on column 3; real time determination of slope at a current position and application of a swath width adjustment to optimize real ground coverage to yield correct spacing between swaths and additional ground coverage on line 44, on column 5 through line 19, on column 6; said blend includes combination of said yaw rate signal with said heading information, said yaw rate signal exhibiting high short term accuracy relative to said heading information, while said heading information exhibits high long term accuracy relative to said yaw rate signal on line 15-45, on column 5; and said blend employs Kalman filtering techniques on lines 20-31 on column 5. It would have been obvious to one of ordinary skill in the art at the time the invention was made to sue the teachings of Dickson et al. in the invention of McClure et al. because such modification would provide guidance control results superior to the use of an individual sensor as stated on lines 39-40, on column 2, of Dickson et al.

### ***Response to Arguments***

8. Applicant's arguments filed 12-26-2006 have been fully considered but they are not persuasive. The amendment filed on 11-17-2006 was not entered and in the RCE applicant requested that it not be entered. This has resulted in the affidavit not being entered into the application since it was part of the amendment filed on 11-17-2006. Hence, it has not been considered whether or not it removes the cited prior art reference. Applicant is also reminded that the 35 USC 112 rejections have not been addressed.

### ***Conclusion***



9. This is a request for continued examination of applicant's earlier Application No. 10/804721. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

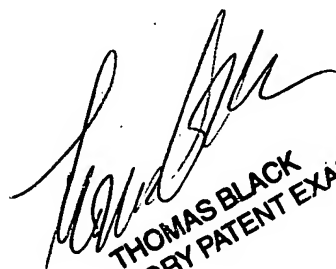
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BJB

  
THOMAS BLACK  
SUPERVISORY PATENT EXAMINER